

Report to Director of Education and Skills

July 2021

Arrangements for Alternative Provision for Key Stage 4 Learners

Report by Assistant Director Compliance and Pupil Entitlement

Electoral divisions: All

Summary

The County Council currently commissions Chichester College Group (CCG) and Greater Brighton Metropolitan College (GBMet) to deliver education provision for learners aged 14-16 whose needs are deemed better met by a more vocational curriculum.

Building on the success to date of this service in delivering improved outcomes for these learners such that 88% of leavers are either attending college/other education or are in apprenticeships or employment, it is proposed to continue commissioning CCG and GBMet to offer this provision for a further 2 years.

Recommendation

- (1) That the Director of Education and Skills, approves the award of two 2 year contracts for the delivery of Alternative Provision for 14-16 year old learners to Chichester College Group and to Greater Brighton Metropolitan College both commencing in September 2021.
-

Proposal

1. Background and Context

- 1.1 In 2013 the County Council commissioned CCG to offer a service delivering education provision for learners aged 14-16 whose needs are deemed better met by a more vocational curriculum.
- 1.2 The demand for a more vocational curriculum offer became evident when addressing concerns raised by schools in relation to children whose engagement in their education was affected by the impact of a demanding academic timetable. It was recognised that some of these children would be better suited to a more vocational curriculum whilst retaining the core subjects as part of the programme. Often these children may otherwise have been excluded from school and this approach is considered an effective strategy in reducing the number of permanent and fixed term exclusions.

- 1.3 The service was recommissioned year on year in the form of a Service Level Agreement (SLA) with CCG until September 2020 when the Director of Education and Skills approved the award of two 1 year contracts for the delivery of Alternative Provision for 14-16 year old learners to Chichester College Group and to Greater Brighton Metropolitan College (decision [OKD30 \(20/21\)](#) refers) .
- 1.4 CCG was the only provider in West Sussex with a range of campuses across the county. However, there was a gap in provision in the South East of the county in the Worthing area. Last year negotiations took place with GBMet to offer similar provision at Northbrook College for learners in this area.
- 1.5 The cost of the service is shared between the schools who have children on roll and the Council. Schools retain the children on their roll and liaise regularly with the colleges in regard to safeguarding, attendance and progress, as prescribed through the contracts. By retaining responsibility for the children the school provide a match funded amount which is roughly in line with the school age-weighted pupil unit. The local authority match funds the amount to avoid permanent exclusion of these children which would result in much more costly provision at the Pupil Referral Unit.
- 1.6 The service offered by CCG has proved successful in that 88% of those completing the courses are either attending college/other education or are in apprenticeship or employment. The pilot with GBMet has also had good outcomes to date. Therefore, the County Council proposes to continue commissioning CCG and GBMet to offer this provision for a further two years.
- 1.7 The option of a longer term commitment was considered but, due to a proposed merger between GBMet and CCG during 2022, future options for the service will be reviewed in late 2022, as at that point the position in terms of the proposed merger will be clearer.

2. Proposal Details

- 2.1 It is proposed to award two 2 year contracts for the delivery of alternative provision for 14-16 years old learners to Chichester College Group and Greater Brighton Metropolitan College.

3. Other options considered (and reasons for not proposing)

- 3.1 Do not continue with the service. This would result in a loss of the benefits of the service outcomes for eligible learners and a likely increase in demand for the pupil referral unit at additional service cost.
- 3.2 A fuller market test and engagement could have been undertaken. CCG is the only Further Education College capable of delivering the service in West Sussex other than in Worthing. GB Met have demonstrated they can deliver a similar service in Worthing, where CCG currently cannot.

4. Consultation, engagement and advice

- 4.1 No formal consultation has taken place with parents and carers. However, there is a high demand for the service as parents and carers welcome the opportunity for their children to access a curriculum that better suits their needs.

5. Finance

- 5.1. The cost per pupil is funded 50% from the High Needs DSG block and 50% by the secondary school when utilising the provision.
- 5.2. The current cost of the CCG contract is £11k per pupil per year. This price was agreed last year and will remain the same for the new contract. The number of learners attending the college (placements) for the first year of the contract is projected to be 78.
- 5.3. There is an additional cost of the CCG contract for 12 placements in the Autumn term 2021/22 due to the transition from the previous contract, to honour the staffing commitments.
- 5.4. GB Met has agreed to continue to operate at a charge of £10k per pupil. The number of learners attending the college for the first year of the contract will be 20.
- 5.5. With the success of placements at both CCG and GBMet over the last year, the calculation of the number of places required has been reassessed for both establishments, based on the level of demand being forecast by schools.
- 5.6. Under the terms of the contracts, 7/12th funding will be invoiced by the colleges by 1st October 2021, and 5/12th funding will be invoiced by 1st May 2022 and likewise in Year 2.
- 5.7. Revenue consequences

	Current Year	Year 2	Year 3
	2021/22	2022/23	2023/24
	£	£	£
CCG – 78 learners @ £11k p.a.	500,500	858,000	357,500
CCG - 12 learners 2021 Autumn term	44,000		
GB Met - 20 learners @ £10k p.a.	116,667	200,000	83,333
Total Cost	661,167	1,058,000	440,833
Funded by:			
School Contribution - based on 100% occupied places	330,583	529,000	220,417

Amount to be met from High Needs Block of DSG	330,583	529,000	220,417
---	---------	---------	---------

5.8. Capital consequences – None

5.9. The effect of the proposal

a) **How the proposal represents good value** – this arrangement avoids an Alternative Provision College (APC) placement or similar at an estimated cost of £20,000 per annum per learner.

b) **Future savings/efficiencies being delivered** - None

c) **Human Resources, IT and Assets Impact** - None

6. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Insufficient capacity to meet need	The volume committed to CCG has included an allowance to meet uncertain demand. Future demand levels will inform future commissioning plans.
Financial risk if either College cannot meet the requirement.	CCG meet the Council's Financial Standing test .

7. Policy alignment and compliance

Legal Implications

7.1 The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations.

7.2 The value of the proposed contract for year 1 is above the relevant EU Thresholds as referred to in the PCR of £663,540 for Social and other specific Services ("Light Touch Services"). The services are "light touch" schedule 3 services under Procurement and Contract Regulations (PCR) 2015, and the provisions of the Regulations have been considered when planning the route to procurement and engagement with the market within which provision is very limited. The proposal seeks to secure the engagement of the two main providers available to deliver the service and future options will be considered during the life of the proposed contracts.

7.3 The value of this procurement is considered a Key Decision as it will result in the Council incurring expenditure which is significant as decided by the Council. In accordance with its constitution, this is expenditure over £500k

and it is significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in West Sussex.

- 7.4 Considering the value of the contract, the location of the services, its duration, the likely remedy on challenge and the nature of these services, the risk of a challenge to the single tender award is considered minimal.
- 7.5 The Council will enter into a services contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.
- 7.6 The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") are unlikely to apply to these services either on the commencement of the contract or on its expiry.

Equality Duty and Human Rights Assessment

- 7.7 The service supports the Council's duty under the Equality Act to give due regard to the need to:
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it
- by ensuring that children with protected characteristics have the opportunity to access this provision.

Climate Change

- 7.8 Not applicable.

Crime and Disorder

- 7.9 Potential exploitation and anti social behaviour are reduced due to a positive setting that meets needs.
- 7.10 Small groups of 10, with a high ratio of staff including a dedicated mentor that gets to know the learners habits and how they present, means that changes in behaviour related to Criminal Exploitation are identified early and appropriately managed.

Public Health

- 7.11 Not applicable.

Social Value

- 7.12 Not applicable.

Ellie Evans Assistant Director Compliance and Pupil Entitlement

Contact Officer: Linda Jones, Procurement Manager – 033 022 28559

Background papers - None